

**CITY OF BURIEN
HEARING EXAMINER
FINDINGS, CONCLUSIONS AND RECOMMENDATION**

APPLICANT: Dai Vu for Martin Peterson

CASE NO.: PLA 07-0769

LOCATION: 16255 Des Moines Memorial Drive South

APPLICATION: A request to subdivide an approximately one acre parcel into five single-family residential lots, located within an RS-7200 zoning district.

REVIEW PROCESS: Hearing Examiner conducts an open record hearing and makes a recommendation to the City Council, who then makes the final decision.

SUMMARY OF RECOMMENDATIONS

Staff Recommendation: Approve with conditions

Hearing Examiner Recommendation: Approve with conditions

PUBLIC HEARING

After reviewing the official file, which included the Staff Recommendation; and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the Dai Vu application was opened at 2:20 p.m., October 11, 2007, in City Hall, Burien, Washington, and closed at 2:30 p.m. Participants at the public hearing and the exhibits offered and entered are listed in this report. A verbatim recording of the hearing is available in the Community Development Department.

Hearing Comments:

The following is a summary of the comments offered at the public hearing.

From the City

Chip Davis, Project Planner: Reviewed the specifics of the case noting that lots would range in size from 7,385 square feet to 9,457 square feet and that all were greater than the 90% minimum specified in the code. Mr. Davis also noted that access and utilities would be via a cul-de-sac, and that all site drainage would be designed in accordance with the current

version of the Department of Ecology Stormwater Manual. Mr. Davis also provided staff analysis and recommendation (see Exhibit A).

From the Applicant

Dai Vu, applicant: Concurred with staff's analysis and recommended conditions. Mr. Vu also indicated he would be willing to provide a six foot fence on his property in order to fully screen on-coming vehicle headlights from Ms. Sawyer's property (see below).

From the Community

Char Sawyer, neighbor: Expressed concerns over site drainage, noting her property was approximately two feet lower than the applicant's. Ms. Sawyer also requested that the applicant provide a six foot fence on his property, since it is two feet higher than hers and would provide a full screen from headlights coming up the proposed cul-de-sac.

FINDINGS OF FACT AND CONCLUSION

1. The Facts presented in the Site Description on page 4 and 5 in Exhibit A, Staff Recommendation, September 21, 2007, accurately reflect the site circumstances, zoning requirements and land use, and are hereby adopted by reference.
2. The Fact and Conclusion regarding compliance with SEPA review on page 7 and 8 in Exhibit A, Staff Recommendation, September 21, 2007, are accurate and hereby adopted by reference.
3. The Facts and Conclusions regarding compliance with Approval Criteria on pages 8 and 9 in Exhibit A, Staff Recommendation, September 21, 2007, are accurate and are hereby adopted by reference.
4. The Facts and Conclusions regarding compliance with Development Regulations on pages 9 through 15 in Exhibit A, Staff Recommendation, September 21, 2007, are accurate and are hereby adopted by reference. In particular, they include:

General Compliance	page 9
Lot Size and Layout	page 10
Street Improvements, Access and Parking	pages 10 through 12
Utilities	pages 12 and 13
Surface Water Management	pages 13 and 14
Fee-in-Lieu of Recreation Space	pages 14 and 15
Tree Retention and Landscaping	page 15
5. The Facts and Conclusions regarding the Preliminary Plat Map on pages 15 and 16 in Exhibit A, Staff Recommendation, September 21, 2007, are accurate and are hereby adopted by reference.
6. The Facts and Conclusion regarding compliance with the Comprehensive Plan on page 16 in Exhibit A, Staff Recommendation, September 21, 2007, are accurate and are hereby adopted by reference.

7. Ms. Sawyer's property is immediately adjacent to the applicant's and in direct line with the cul-de-sac. Fence heights are limited to six feet under City code. Since her property is approximately two feet lower than the applicant's, the effective fence height, if developed on her property, would only be four feet as viewed from the proposed cul-de-sac. A fence on the applicant's property would provide an additional two feet of effective height as viewed from Ms. Sawyer's property, providing a full screen to on-coming vehicle headlights.


SOLID

RECOMMENDATION

Based upon the foregoing findings and conclusions, it is recommended that the request for a five lot subdivision at 16255 Des Moines Memorial Drive South be approved, subject to the conditions recommended in Exhibit A on pages 2 through 4; to include an additional condition, requiring that a six foot fence be provided on the applicant's property adjacent to the Sawyer property at 16407 Des Moines Memorial Drive South, and that shall occur prior to issuance of any development permits for any development on all lots.

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Entered this 24th day of October, 2007.


Donald B. Lergen, AICP
Hearing Examiner

CITY COUNCIL REVIEW AND DECISION

The City Council will take final action on this application in accordance with the provisions of BMC 19.65.075.

JUDICIAL REVIEW

The following is a summary of the deadlines and procedures for judicial review.

BMC 19.65.060 allows the city's final decision to be appealed by filing a land use petition in King County Superior Court. Such petition must be filed within 21 days after issuance of the

decision, as provided in RCW 36.70C. Requirements for fully exhausting City administrative appeal opportunities must first be fulfilled.

EXHIBITS

The following exhibits were offered and entered into the record:

- A. Staff Recommendation to the Hearing Examiner with attachments dated September 21, 2007.

PARTIES OF RECORD

Martin Peterson
16255 Des Moines Memorial Drive South
Burien, WA 98148

Community Development Department

Dai Vu
16218 Motor Place, Unit A
Lynnwood, WA 98087

Char Sawyer
16407 Des Moines Memorial Drive South
Burien, WA 98148